

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
MARITEL, INC.)	WT Docket No. 04-257
and)	
MOBEX NETWORK SERVICES, LLC.)	RM-10743
)	
Petitions for Rule Making to Amend the)	
Commission's Rules to Provide Additional)	
Flexibility for AMTS and VHF Public Coast)	
Station Licensees)	

ORDER ON RECONSIDERATION

Adopted: February 22, 2011

Released: March 3, 2011

By the Commission:

1. This *Order on Reconsideration* addresses a petition filed by Warren C. Havens (Havens) and associated parties (collectively, Petitioners),¹ seeking partial reconsideration of the *Memorandum Opinion and Order*² in this proceeding. The *Memorandum Opinion and Order* denied a petition filed by Havens and associated parties³ for reconsideration of the *Report and Order*⁴ in this proceeding. For the reasons set forth below, we deny the instant petition.

2. The *Report and Order* amended the Commission's Rules to, *inter alia*, provide Automated Maritime Telecommunications System (AMTS) licensees additional operational flexibility by permitting them to offer private correspondence service to units on land.⁵ The Commission rejected Havens's argument that the new operational flexibility should be accorded only to geographic licensees, but not to site-based incumbent licensees.⁶ In the *Memorandum Opinion and Order*, the Commission denied Havens's petition for reconsideration of that decision, stating,

As the *Report and Order*, noted, the Commission has always afforded AMTS site-based licensees the same flexibility as [geographic] licensees, including the flexibility to serve units on land. Any imbalance that Havens perceives with respect to their construction

¹ Petition for Partial Reconsideration in Part Based on New Facts, And in the Alternative, Request Under Section 1.41 (filed Feb. 12, 2010) (Petition). The Petition was filed by Havens, Environmental LLC (Environmental), Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless LLC (ITM), Verde Systems LLC, and Telesaurus Holdings GB LLC. Maritime Communications/Land Mobile, LLC filed an opposition.

² MariTEL, Inc. and Mobex Network Services, LLC, *Memorandum Opinion and Order*, WT Docket No. 04-257, 25 FCC Rcd 533 (2010) (*MO&O*).

³ Petition for Reconsideration (filed July 6, 2007). This petition was filed by Havens, AMTS Consortium LLC (Environmental's predecessor-in-interest), ITM, and Telesaurus-VPC, LLC.

⁴ Maritel, Inc. and Mobex Network Services, LLC, *Report and Order*, WT Docket No. 04-257, 22 FCC Rcd 8971 (2007).

⁵ *See id.* at 8976-78 ¶¶ 8-10.

⁶ *Id.* at 8978-79 ¶ 12.

and coverage requirements is irrelevant to the issue of whether to treat site-based and geographic AMTS licensees consistently in terms of their operational requirements.⁷

3. Petitioners now seek reconsideration of this decision. They present “new facts” that, they argue, demonstrate that the AMTS site-based licensees that participated in the rulemaking proceeding are not valid licensees, because they lack character and fitness to be Commission licensees and they did not properly construct and operate their licensed AMTS stations.⁸ Petitioners reason that the Commission therefore should not have ruled in the AMTS site-based licensees’ “favor” in the rulemaking proceeding.⁹

4. Petitioners’ argument is without merit. The subject of this proceeding is the issue of general applicability of whether to amend the service rules to afford licensees additional operational flexibility. Character and fitness of individual licensees, and the construction and operational status of their stations, is wholly irrelevant to this issue, and is appropriately considered in proceedings relating to the specific licenses to which the allegations pertain.¹⁰ We therefore deny the instant petition for reconsideration.

5. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429 of the Commission’s Rules, 47 C.F.R. § 1.429, the petition for reconsideration filed by Environmental LLC, Skybridge Spectrum Foundation, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB LLC, and Warren C. Havens on February 12, 2010 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁷ *MO&O*, 25 FCC Rcd at 537 ¶ 10 (footnotes omitted). The *MO&O* also addressed other matters, which are not at issue in the instant Petition.

⁸ See Petition at 3-4.

⁹ See *id.* at 3.

¹⁰ See, e.g., Paging Systems, Inc., *Memorandum Opinion and Order*, 25 FCC Rcd 450, 454-55 ¶¶ 7-8 (2010) (Petitioners’ allegations did not pertain to the licenses at issue in that proceeding, and should instead be addressed in proceedings pertaining to those licenses).